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# A look into Nepal's legal evolution

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The law-making process has seen many ups and downs in various parts of the world and in the course of that they have taken different paths and transformation. While in Europe, the 19th century was a period of significant transformation in homicide laws across various jurisdictions, reflecting broader societal changes and the evolution of legal systems. For example, in France, the Penal Code of 1810, established under Napoleon, was a cornerstone, prescribing death for crimes such as assassination and parricide. England’s approach to homicide law was characterized by the gradual reduction of capital offenses throughout the century, culminating in the Offences Against the Person Act of 1861, which limited the death penalty primarily to murder and high treason. Across the Atlantic, the United States’ legal system was in its formative years, with the American Revolution catalyzing the development of a more unified legal framework that included the establishment of courts, policing and prisons.

From the late 18th century, Ottoman sovereigns and advisors valued French legal codes and fiscal rules as valuable tools of state-building and utilized the French language as a means of wielding soft power on the European continent. Meanwhile, in China, the Qing dynasty’s legal code attempted to comprehensively define crimes and appropriate punishments, with a particular focus on maintaining cosmic balance and social order. These diverse legal landscapes illustrate the complex interplay between law, culture, and society during a century of profound change. In neighboring British India, the Indian Penal Code of 1860 was drafted on the recommendations of the first law commission of India established in 1834 under the charter Act of 1833, and chaired by Thomas

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## Homicide Law in 19th century Nepal

A Study of the Muluki Ains and Legal Documents by Rajan Khatiwoda presents a comprehensive exploration of Nepal's legal history during a crucial period. This work, part of the 'Documenta Nepalica' series and published by Vajra Publications, is now accessible to Nepali and South Asian audiences, offering a meticulous examination of the Muluki Ain of 1854 (Nepal's codified legal code) and 1870, with a particular focus on its articles concerning homicide.

The Muluki Ain of 1854, along with its amendment in 1870, marks a significant legal milestone in Nepal's history. These legal codes were developed during a period of political consolidation under Shah Kingdoms and the Rana regime, particularly under Jaṅga Bahadura Rana. Khatiwoda's work highlights how these legal documents played a crucial role in shaping modern Nepal's identity by codifying conceptual development of a rule of law that was both comprehensive and innovative for its time.

The book is structured in two main sections. The first part addresses the formation and enforcement of the Muluki Ain, exploring its historical context and legal significance. Khatiwoda examines the political turbulence and the rise of the Rana dynasty, which necessitated a unified legal code. The codification of the Muluki Ain is depicted as a strategic move to



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The second section of the book provides an in-depth analysis of the homicide laws codified in the Muluki Ain. Khatiwoda meticulously examines the structure and content of the articles on homicide, comparing the original 1854 code with its 1870 amendment. This comparison reveals significant shifts in the legal approach to homicide over time, reflecting broader changes in the society and governance. The book details various categories of homicide, the conditions under which capital punishment was applicable, and exceptions to such severe penalties.

One of the key contributions of this study is its exploration of how these laws were implemented in practice. Khatiwoda extends his analysis beyond the theoretical aspects of the Muluki Ain to its practical application, drawing on contemporaneous legal documents to demonstrate how these laws influenced judicial decisions. This practical approach is bolstered by translations and editions of key articles and related legal documents, providing readers with direct access to historical texts.

Khatiwoda's work has made an important contribution to the field of legal history, particularly for those interested in South Asian studies. By focusing on the Muluki Ain, he uncovers the complexities of the 19th-century legal practices in Nepal, offering insights crucial for understanding the evolution of the country's legal and social systems. The book also serves as a valuable resource for scholars of comparative law, situating legal developments in Nepal within broader South Asian and global contexts.

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seeking to comprehend the legal and historical underpinnings of modern Nepal.



Roshan Pokharel

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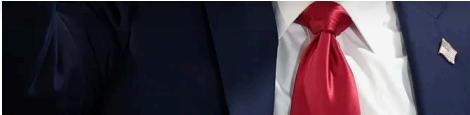


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